

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

|                          |   |                       |
|--------------------------|---|-----------------------|
| UNITED STATES OF AMERICA | ) | CR No.: 3:01-0972-JFA |
|                          | ) |                       |
| v.                       | ) | ORDER                 |
|                          | ) |                       |
| CALVIN GRAHAM            | ) |                       |
|                          | ) |                       |
| _____                    | ) |                       |

Upon motion of the defendant under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG § 1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion (ECF No. 100) is DENIED. The defendant was sentenced to the statutory mandatory minimum sentence of 120 months imprisonment for his conviction relating to crack cocaine, plus a 60-month consecutive sentence. Whatever changes Amendment 750 might authorize in the underlying base offense level calculations, those Guideline changes cannot alter the ultimate statutory floor of 10 years imprisonment set by Congress.

IT IS SO ORDERED.

January 17, 2012  
Columbia, South Carolina



Joseph F. Anderson, Jr.  
United States District Judge